

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 17098 of 2002

Between:

Unnumula Venkaiah @ Venkanna S/o. Sanyasi, Aged about 41 yrs, scheduled tribe, r/o
Jaggisetigudem, h/o Ganapavaram, Buttaigudem mandal, West Godavari District.

... PETITIONER

AND

1. Special Deputy Collector (Tribal Welfare) Kottaramachandrapuram
(K.R.Puram), West Godavari District.
2. Gadde Duggi Raju S/o. Veeraswamy Aged about 41 years, r/o. Ganapavaram,
Buttaigudem mandal, West Godavari District.
3. Chintalapati Ramalinga Raju S/o.Ch. Subba Raju Aged about 70 years r/o.
Chinanidrakolanu village, Tadepalligudem Mandal, West Godavari District.
4. Mandal Revenue Officer, Buttaigudem, West Godavari District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to an order, direction or writ in the nature of writ of certiorari calling for the records pertaining to S.R.No.164/2001 on the file of the Spl. Deputy Collector (Tribal Welfare) K.R.Puram and declaring that the act of the First Respondent in not taking up the hearing of the said case is an arbitrary and illegal act of refusal to exercise jurisdiction, and further direct the First Respondent to hear.

Counsel for the Petitioner: MR.K.BALAGOPAL

Counsel for the Respondents 1 & 2: GP FOR SOCIAL WELFARE

The Court made the following order:

ORDER:

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Petitioner questions the action of the Special Deputy Collector (Tribal Welfare), K.R.Puram, West Godavari District, in not taking up the hearing of the case pertaining to S.R.No.164 of 2001 as illegal and seeks a direction to the first respondent to dispose of the case as expeditiously as possible.

It is submitted that S.R.No.164 of 2001 is filed by the petitioner under Section 3 of the Andhra Pradesh Scheduled Area Land Transfer Regulation Act, 1959 as amended by Regulation 1 of 1970, in the month of March 2001 seeking ejectment of the second respondent from the suit schedule property on the ground that the property has been subjected to transfer from the third respondent to the second respondent, both of them non-tribals, under the guise of Power of Attorney being executed by the third respondent in favour of the second respondent.

I am of the opinion that when the case is pending before the first respondent it is not desirable to express any opinion on the merits of the case. Accordingly, the writ petition is dismissed with a direction to the first respondent to consider and dispose of the case pertaining to S.R.No.164 of 2001 as expeditiously as possible preferably within a period of four months from the date of receipt of this order after giving reasonable opportunity to the petitioner. No costs.

V. ESWARAIAH, J

April 21, 2005

Dsk

To

1. The Special Deputy Collector (Tribal Welfare) Kottaramachandrapuram
(K.R.Puram), West Godavari District.
2. The Mandal Revenue Officer, Buttaigudem, West Godavari District.
3. Two CCs to GP for Social Welfare, High Court Buildings, Hyderabad (OUT)

Two CD Copies.